

REMARKS

Claims 26-47 and pending in this application. In view of the remarks, as follows, applicant respectfully respects reconsideration of the application.

Rejections under 35 U.S.C. §103(a)

Claims 26, 28, 29, 30, 31, 33, 36, 38, 40, 41 have been rejected under 35 U.S.C. §103(a) as being obvious over Japanese Pat. No. JP 08153248 (H8-153248) to Kato in view of U.S. Pat. No. 5,816,918 to Kelly et al. and U.S. Pat. No. 6,643,623 to Kolls. Applicant respectfully traverses these rejections.

It may be noted first that Kato only discloses the configuration capable of purchasing merchandise from a vending machine by using a portable telephone set (PHS). Unlike the present invention, Kato does not disclose, in any way, the configuration of, (when purchasing the merchandise from the vending machine) issuing points from the vending machine, and sending the issued points using the portable telephone set possessed by a user, to a center to carry out a promotion.

In addition, the Kelly et al. patent relates to a prize purchasing system for a game. Unlike the present invention, Kelly et al. also does not disclose the configuration of (when purchasing the merchandise from the vending machine) issuing points from the vending machine, and sending the issued points using the portable telephone set possessed by a user, to the center to carry out the promotion.

Furthermore, Kolls merely discloses a configuration for encrypting and decrypting transaction data. Unlike the present invention, Kolls also does not disclose the configuration of (when purchasing the merchandises from the vending machine) issuing points from the vending machine, and sending the issued points using the portable telephone possessed by a user, to the center to carry out the promotion.

Therefore, it is unreasonable for the Examiner to conclude that claims 26 and 36 of the present invention could have been easily made based upon the teachings of Kato,

Kelly et al. and Kolls.

Turning now to Kato in more detail, Kato adopts a configuration in which:

- 1) code input means 2 inputs into a portable telephone set 1 transmission information including an individual identification code that identifies an individual user and also a vending machine designation code that designates the vending machine;
- 2) transmission means 5 that transmits the transmission information inputted into the portable telephone set 1 to one or more of a number of vending machines 6A-6N using wireless signals;
- 3) each of the vending machines 6A-6N receives the transmitted information through a receiving means 7, and a designated vending machine (designated according to the vending machine designation code of the received transmitted information) forwards the individual identification code to a controller 13 using information forwarding means 10 in the vending machine and
- 4) the controller 13 identifies the forwarded individual identification code by determining means and replies with a sales permitting signal to the vending machine that forwards the individual identification code.

In other words, in the configuration of Kato, the individual identification code included in the transmission information is transmitted from the portable telephone set 1 to the vending machines 6A-6N, and is forwarded from the vending machine designated by the vending machine designation code to the controller 13. Consequently, even if point information of the claimed invention were to be included in the above-identified transmission information of Kato (which it is not), this point information would be forwarded to the controller 13 via the vending machines 6A-6N.

While it is essential in the Kato configuration that the vending machines 6A-6N are connected to the controller 13 via the network, the claimed invention does not adopt the configuration of connecting vending machines to a network. In contrast, the claimed invention adopts a configuration in which the vending machine only issues the point

information at the time of purchase of the merchandise, and the point information nissued from the vending machine is transmitted to the center device using the portable telephone possessed by the user.

Under the teachings of the claimed invention, since it is not necessary to connect the vending machines to the network, the system becomes much simpler. Thus, it is possible to reduce the investment cost of infrastructure or the like, and to conduct a promotion using the point information. On this basis, the claimed invention clearly differs from Kato, Kelly et al. and Kolls. In addition, there is no suggestion of this improvement within the combination of Kato, Kelly et al. and Kolls. Therefore, it cannot be said that claims 26 and 36 would be obvious in light of Kato, Kelly et al. and Kolls.

Claims 31 and 41 stand rejected under 35 U.S.C. §103(a) as being obvious over Kato in view of Kelly et al., Kolls and U.S. Pat. No. 6,963,589 to Sugata et al. Applicant respectfully traverses there rejections.

In may be noted in this regard that Sugata et al. also fails to provide any teaching or suggestion of the claimed improvement. Therefore, it cannot be said that claims 31 and 41 would be obvious in light of Kato, Kelly et al., Kolls and Sugata et al.

Claims 32, 46 and 47 stand rejected under 35 U.S.C. §103(a) as being obvious over Kato in view of Kelly et al., Kolls and U.S. Pat. No. 6,202,056 to Nuttal. Applicant respectfully traverses there rejections.

In may be noted in this regard that Nuttal also fails to provide any teaching or suggestion of the claimed improvement of. Therefore, it cannot be said that claims 31 and 41 would be obvious in light of Kato, Kelly et al., Kolls and Nuttal.

Claims 33-35 and 43-45 stand rejected under 35 U.S.C. §103(a) as being obvious over Kato in view of Kelly et al., Kolls and U.S. Pat. No. 6,292,786 to Deaton et al. Applicant respectfully traverses there rejections.

In may be noted in this regard that Deaton et al. also fails to provide any teaching or suggestion of the claimed improvement. Therefore, it cannot be said that claims 31 and 41 would be obvious in light of Kato, Kelly et al., Kolls and Sugata et al.

Claims 27 and 37 stand rejected under 35 U.S.C. §103(a) as being obvious over

Kato in view of Kelly et al., Kolls and U.S. Pat. No. 4,636,963 to Nakajima et al.

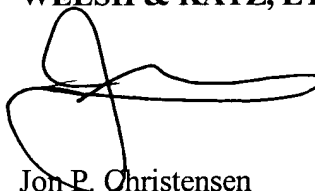
Applicant respectfully traverses there rejections.

It may be noted in this regard that Nakajima et al. also fails to provide any teaching or suggestion of the claimed improvement. Therefore, it cannot be said that claims 31 and 41 would be obvious in light of Kato, Kelly et al., Kolls and Nakajima et al.

For the reasons set forth above, the rejections are believed to be improper. Since the rejections are improper, they should be withdrawn.

With the above amendments and the remarks, this application is considered ready for allowance, and Applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,
WELSH & KATZ, LTD.

A handwritten signature in black ink, appearing to read 'Jon P. Christensen', with a large, stylized loop at the end.

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